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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RADA, ALEX P

ART UNIT

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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,572	Applicant(s) AHMED, SHAHOOD	
	Examiner ALEX P. RADA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 30-32 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 30-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/29/2008</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Preliminary Amendment

In response to the Preliminary Amendment filed 29 March 2005 wherein applicant amends claims 1, 3-4, 6-10, 17, 19, 22, 24, cancels claims 28-29, adds new claims 30-32 and claims 1-27 and 30-32 are pending in this application.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 9 is directed towards providing a live person per se (naturally occurring article) for a game, which is considered to be non-statutory subject matter (see MPEP 706.03(a)(B)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-9, 17-23, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kilstrom (US Pub. No. 2002/0173219).

Regarding claim 1, Kilstrom discloses a toy system comprising: a master communication device (figures 1 and 2; wherein item 16 is considered to be the master communication device shown); and a slave communication device, disguised as an everyday object (figures 1-2 and paragraph [0027-0028]; wherein the slave device in any desired toy shown), and including circuitry means for enabling the two-way communication via the master communication device the circuitry means comprising voice alteration means for disguising the further user's voice (figures 1-2 and paragraphs [0027-0032]; wherein voice modulator 19 is used to disguise the operator's voice and is a functional equivalent to the claimed alteration means); wherein the slave communication device and the further user's voice is disguised so that when the two-way communication is in progress, the first user will believe that the communication is between the first user and the everyday object (figure 2 and paragraphs [0028-0032]).

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Regarding claim 2, Kilstrom discloses wherein: each communication device includes speaker means for providing an audible voice signal; microphone means for converting voice patterns of a user into a format for transmittal over a communication link as a communication signal (figures 1-2 and paragraphs [0028-0032]); and communication signal transmitting and receiving means for respectively transmitting and receiving at least one communication signal (figures 1-2 and paragraphs [0028-0032]).

Regarding claim 3, Kilstrom discloses wherein the disguise of the slave communication device comprises an outer body portion surrounding substantially all of the circuitry of the slave communication device (figure 1; wherein an outer body portion shown).

Regarding claim 4, Kilstrom disclose wherein the disguise includes at least one movable portion arranged to move independently with respect of the body portion of the disguise and includes means for moving the movable portion responsive to a movement control signal received from the master communication device (paragraph [0036] and claims 3-4); wherein the doll is capable of having animatronics for moving parts of the doll).

Regarding claim 5, Kilstrom discloses wherein the master communication device includes control means for generating and transmitting a movement control signal to the slave communication device (paragraph [0036] and claims 3-4).

Regarding claim 6, Kilstrom discloses wherein the slave communication device includes a power switch accessible without the need to remove the body portion (paragraphs [0031-0033]).

Regarding claims 7-8, Kilstrom discloses wherein the apparatus is disguised as a teddy bear and/or disguised as a child's doll (figure 1 and paragraph [0027]; wherein the interactive toy system is capable of being any desired toy).

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Regarding claim 9, Kilstrom discloses wherein the first user comprises a child and the further user comprises a parent or teacher (summary; wherein the user is capable of being any user).

Regarding claim 17, Kilstrom discloses providing a slave communication device, disguised as an everyday object and including voice alteration means for disguising the further user's voice, and a master communication device arranged for two-way communication there between (figures 1-2 and paragraph [0027-0028]; wherein the master and slave devices shown and wherein voice modulator 19 is used to disguise the operator's voice and is a functional equivalent to the claimed alteration means); providing the further user with access to only the master communication device and the first user with access to only the slave device (figures 1-2; wherein user has access to the master and slave devices shown); and transmitting and receiving at least one communication signal over a wireless communication link between the master and slave devices (figures 1-2 and summary); whereby by virtue of the disguise of the slave communication device and the further user's voice the two-way communication will appear, to the first user, to be between the first user and the everyday object (figures 1-2 and summary).

Regarding claim 18, Kilstrom discloses disguising the slave communication device by the steps of surrounding substantially all of the circuitry of the slave communication device with a preformed body portion formed to look like the everyday object (figure 1).

Regarding claim 19, Kilstrom discloses the user with access to only the master communication device, providing the further user with access to the slave communication device during a period of time in which the further user may switch on power to the slave communication device (summary).

Regarding claim 20, Kilstrom discloses wherein the switching power on comprises pressing a button disguised on the slave communication device (paragraphs [0031-0033]).

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Regarding claim 21, Kilstrom discloses wherein transmitting and receiving a communication signal comprises providing a two-channel radio service between the slave and master devices (paragraph [0021]).

Regarding claim 22, Kilstrom discloses transmitting, from the master communication device, a movement control signal; receiving the movement control signal at the slave communication device; and moving at least one movable portion of the disguise independently with respect to the body portion on the disguise of the slave communication device responsive to the movement control signal (paragraph [0036] and claims 3-4); wherein the doll is capable of having animatronics for moving parts of the doll).

Regarding claim 23, Kilstrom discloses selecting a one from a plurality of movable portions of the disguise via the master communication device (paragraph [0036] and claims 3-4).

Regarding claims 30 and 31, Kilstrom discloses wherein voice alteration means disguises the further user's voice to sound like a predetermined character (paragraph [0035]; wherein a user may disguise and/or modulate the voice when reading a story).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilstrom (US Pub. No. 2002/0173219) in view of Kikinis (US 6,319,010).

Regarding claims 10-16, Kilstrom disclose the claimed invention as discussed above but is silent in regards to claim 10, wherein the first user comprises a user with learning difficulties; claim 11, wherein the slave communication device comprises a computer including a user interface, the user interface including a screen for displaying an image of a character; claim 12 wherein the user interface further comprises at least one speaker member for producing audible sounds to the first user; claim 13, wherein the user interface further comprises at least one microphone for receiving audible sounds generated by the first user; claim 14, wherein the computer is arranged to display images which conceal the fact that a conversation is between the first user and the further user; claim 15, wherein the computer is optionally (i) a PC (ii) a laptop computer or (iii) a personal data assistant; and claim 16, wherein the master communication device comprises a computer and the slave communication device comprises a screen for displaying an image of a character responsive to signals received from the computer.

Kikinis teaches an interactive system for teaching, entertaining and habituating a child utilizing an interactive entity of a doll. Kikinis teaches claim 10, wherein the first user comprises a user with learning difficulties (abstract; wherein the interactive doll is used for teaching); claim 11, wherein the slave communication device comprises a computer including a user interface, the user

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interface including a screen for displaying an image of a character (summary; wherein an a PC is used to interact with the doll); claim 12, wherein the user interface further comprises at least one speaker member for producing audible sounds to the first user (figures 1-2; wherein a speaker is shown); claim 13, wherein the user interface further comprises at least one microphone for receiving audible sounds generated by the first user (figures 1-2 and summary); claim 14, wherein the computer is arranged to display images which conceal the fact that a conversation is between the first user and the further user (figures 1-2 and summary); claim 15, wherein the computer is optionally (i) a PC (ii) a laptop computer or (iii) a personal data assistant (figures 1-2 and summary); and claim 16, wherein the master communication device comprises a computer and the slave communication device comprises a screen for displaying an image of a character responsive to signals received from the computer (figures 1-3 and summary). By having a doll capable of communicating with a personal computer or the like, one of ordinary skill in the art at the time of the invention was made would provide an interactive toy system that would help entertain, teach and provides useful tool for doctors, psychologists, other behavioral scientists and others in communicating with children.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kilstrom to include a first user comprises a user with learning difficulties; wherein the slave communication device comprises a computer including a user interface, the user interface including a screen for displaying an image of a character; wherein the user interface further comprises at least one speaker member for producing audible sounds to the first user; wherein the user interface further comprises at least one microphone for receiving audible sounds generated by the first user; wherein the computer is arranged to display images which conceal the fact that a conversation is between the first user and the further user; wherein the

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computer is optionally (i) a PC (ii) a laptop computer or (iii) a personal data assistant; and wherein the master communication device comprises a computer and the slave communication device comprises a screen for displaying an image of a character responsive to signals received from the computer as taught by Kikinis to provide an interactive toy system that would help entertain, teach and provides useful tool for doctors, psychologists, other behavioral scientists and others in communicating with children.

8. Claim 24-27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilstrom (US Pub. No. 2002/0173219) in view of Kikinis (US 6,319,010).

Regarding claims 24 and 26, Kilstrom discloses providing a slave communication device disguised as an everyday object and including voice alteration means for disguising a tutor's voice and a master communication device (figures 1-2 and paragraphs [0027-0032]; wherein voice modulator 19 is used to disguise the operator's voice and is a functional equivalent to the claimed alteration means); transmitting and receiving at least one communication signal over a wireless communication link between the master device and the slave device (figures 1-2 and summary); whereby a further user having access to only the master device can communicate, via the communication link, with the user having access to only the slave device (figures 1-2 and summary). Kilstrom is silent in regards to promoting learning with the learner user having access to only the slave device thereby promoting learning in the learner user; and a user having learning difficulties.

Regarding claim 25, Kilstrom discloses wherein the a child and the further user comprises a parent or teacher (summary; wherein the user is capable of being any user).

Regarding claim 27, Kilstrom discloses wherein the everyday object comprises a toy (figure 1; wherein a toy is shown).

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Regarding claim 32, Kilstrom discloses wherein voice alteration means disguises the further user's voice to sound like a predetermined character (paragraph [0035]; wherein a user may disguise and/or modulate the voice when reading a story).

Kikinis teaches an interactive system for teaching, entertaining and habituating a child utilizing an interactive entity of a doll (summary). Kikinis further teaches that the interactive doll may help a child to learn new skill and develop mentally and emotionally healthy associations. By having using the doll to teach a child, one of ordinary skill in the art would provide an interactive toy system that would help entertain, teach and provides useful tool for doctors, psychologists, other behavioral scientists and others in communicating with children.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kilstrom to promoting learning with the learner user having access to only the slave device thereby promoting learning in the learner user as taught by Kikinis provide an interactive toy system that would help entertain, teach and provides useful tool for doctors, psychologists, other behavioral scientists and others in communicating with children.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Thursday, 09:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. R./
Examiner, Art Unit 3714

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714